

# **EXHIBIT A**

## **UNREDACTED PUBLIC VERSION**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IOENGINE, LLC )  
Plaintiff, ) Civil Action No.  
v. ) 18-452 (WCB)  
PAYPAL HOLDINGS, INC., )  
Defendant. )

Friday, May 16, 2025  
2:00 p.m.  
Via remote videoconferencing

BEFORE: THE HONORABLE WILLIAM C. BRYSON  
United States District Court Judge

APPEARANCES:

SMITH, KATZENSTEIN & JENKINS, LLP  
BY: NEAL C. BELGAM, ESQ.

- and -

DECHERT LLP  
BY: NOAH M. LEIBOWITZ, ESQ.  
GREGORY T. CHUEBON, ESQ.

Counsel for the Plaintiff

1 APPEARANCES, CONTINUED:

2 MORRIS, NICHOLS, ARSHT & TUNNELL LLP  
3 BY: CAMERON P. CLARK, ESQ.

4 - and -

5 ORRICK, HERRINGTON & SUTCLIFFE LLP  
6 BY: TRAVIS JENSEN, ESQ.  
JARED BOBROW, ESQ.

7 Counsel for the Defendant

1 THE COURT: We're here on the  
2 status conference on Ioengine, LLC against  
3 PayPal Holdings, Inc., Number 18-452,  
4 District of Delaware. Why don't we call  
5 the roll for who is here for first the  
6 plaintiff.

7 MR. BELGAM: Good afternoon,  
8 Your Honor. Nice to see you again. Neal  
9 Belgam for the plaintiff, Ioengine. I  
10 have with me Noel Leibowitz and Greg  
11 Chuebon, and also the plaintiff, Scott  
12 McNulty.

13 THE COURT: How about for the  
14 defendant.

15 MR. CLARK: Good afternoon,  
16 Your Honor. This is Cameron Clark from  
17 Morris Nichols. I'm joined today by my  
18 co-counsel from the Orrick law firm, Jared  
19 Bobrow and Travis Jensen.

20 THE COURT: All right. Well,  
21 initially -- as I'm sure you all have seen  
22 the Federal Circuit's decision came out a  
23 few days ago. Initially, I had indicated  
24 that we would have a status conference

1       would be very interested in seeing what  
2       was said on that score. Mr. Leibowitz has  
3       a different recollection, but this ought  
4       to be something that we could pin down  
5       pretty readily. So that is something --  
6       that is a bucket which is well worth  
7       filling.

8                       So what's your next bucket?

9                       MR. JENSEN: Absolutely. So  
10       the next bucket, I think it's related in a  
11       sense, right, it has to do with what  
12       claims are still in the case. Right now,  
13       there are two dependent claims, that's all  
14       that are in the case. Both of them are  
15       these synchronization claims. And we  
16       would propose simply filing a summary  
17       judgment motion of obviousness on those  
18       claims. The independent claims have been  
19       invalidated, the same prior art discloses  
20       the synchronization limitation in the  
21       dependent claims, and we think that would  
22       dispose of the entire case.

23                      If those were the only two  
24       claims at issue, that could change

1       that the Ingenico jury and now the Federal  
2       Circuit has affirmed the invalidity of  
3       those claims would be a significant  
4       consideration in that determination. We  
5       had the obviousness arguments, et cetera,  
6       of course, in our expert reports, and were  
7       this case to proceed to trial, they're  
8       fully available to us. So I don't know  
9       why there would be any reason that we  
10      should somehow be precluded from pursuing  
11      those obviousness grounds in view of the  
12      change of circumstances.

13                   THE COURT: Without  
14      suggesting that I think this is  
15      necessarily right, there certainly is an  
16      argument that you had an opportunity to  
17      file a summary judgment motion with  
18      respect to those claims that you didn't,  
19      and why should you be permitted to file a  
20      second summary judgment motion unless the  
21      summary judgment motion is predicated on  
22      collateral estoppel in the judgment from  
23      the first case. That's the argument that  
24      I would imagine that would be made as to

1       why you shouldn't be allowed to file a  
2       summary judgment. That doesn't mean you  
3       can't argue obviousness before the jury.

4               But the question before me is  
5       whether you should be foreclosed from  
6       filing a second summary judgment motion  
7       when you didn't file summary judgment of  
8       obviousness with respect to those claims.

9               MR. JENSEN: Yeah, and I  
10       think the answer to that, Your Honor, is  
11       it's really fundamentally a different  
12       question that's being answered by the  
13       summary judgment motion that we're  
14       proposing now, where the underlying  
15       independent claims have been found  
16       invalid, and all of those elements do  
17       create I think an estoppel for the  
18       plaintiff.

19               THE COURT: It strikes me  
20       that's 100 percent of the issue. If they  
21       create an estoppel that forecloses those  
22       two remaining claims from being  
23       adjudicated, then you've got collateral  
24       estoppel and the case is over, at least

1 with respect to those claims. But if not,  
2 then the question that I'm putting with  
3 respect to your entitlement to come back  
4 and make a claim of summary judgment with  
5 respect to those two claims seems to me to  
6 be back on the table. So it all turns on  
7 whether you really could make a plausible  
8 argument of collateral estoppel flowing  
9 from the claims that were invalidated to  
10 the ones as to which the jury did not make  
11 an invalidity finding.

12 MR. JENSEN: And that's  
13 something I think we could look into and  
14 research further, Your Honor. I would add  
15 that simply as a matter of judicial  
16 efficiency, it would be in the Court's  
17 discretion to allow a summary judgment  
18 motion if the Court were inclined to do  
19 so, but we could look into the legal  
20 question that Your Honor has raised, as  
21 well. But given the likelihood that this  
22 would be case dispositive and there is a  
23 fair amount, a substantial amount of work  
24 that remains to be done and to hold a



1       supposed to be tried. But it isn't all  
2       that different. So it seems to me that a  
3       truncated period of discovery is in order,  
4       but not something that is going to drag  
5       out as long as the typical discovery  
6       period in patent cases goes.

7                 With that said, tell me, and  
8       I go back to Mr. Leibowitz and,  
9       Mr. Jensen, you, whether -- let me put it  
10      this way. How much time -- let me not  
11      open this up for a complete redo. But I  
12      was thinking in terms of giving you  
13      something like three weeks to come up with  
14      a supplemental memo detailing what needs  
15      to be done, what the collateral estoppel  
16      effect of the first judgment is, what  
17      realistically is a time we could go to  
18      trial, something like 20 pages from each  
19      of you with an opportunity for response,  
20      simultaneously 20 pages with a response in  
21      another two weeks of, say, 10 pages.

22                Now, that doesn't mean that's  
23      the last opportunity you will have to  
24      address any of these issues. Most of what

1 of Appeals. So extensions of time on  
2 briefing and so forth, I've sort of kept  
3 an eye on it wondering when in the world  
4 is this case going to get back to me, and  
5 it's taken a long time.

6 So the message I'm trying to  
7 give is this is the point at which I think  
8 some urgency has to be part of the  
9 formula. So if you get together, and I'm  
10 not averse to your getting together and  
11 talking with your colleagues on the other  
12 side, but I would like you to come up with  
13 a schedule that emphasizes expedition and  
14 does not proceed at a leisurely pace.

15 So I will allow you to get  
16 together, but I'm thinking the first step  
17 really ought to be to look to something in  
18 the neighborhood of three weeks to get to  
19 me a short memo where you can make your  
20 call as to whether you want to go forward  
21 with all of the claims you've identified,  
22 they can give me an idea of what they  
23 think the scope of collateral estoppel  
24 from the first judgment is, and I will

1 collateral estoppel bucket. So that  
2 you're free to raise, because obviously,  
3 as you say, that judgment was not in place  
4 at the time you filed your original  
5 summary judgment motion. So that, I don't  
6 have a problem with.

7 All right. Now, when can you  
8 get me your motions or let's just say your  
9 memoranda on the questions we've  
10 discussed? Mr. Jensen?

11 MR. JENSEN: I understood  
12 that was the -- I thought we were talking  
13 about three weeks.

14 THE COURT: Three weeks is  
15 what I was going to propose. Is that  
16 acceptable?

17 MR. JENSEN: That should be  
18 fine.

19 THE COURT: Mr. Leibowitz?

20 MR. LEIBOWITZ: Yes, Your  
21 Honor, that's fine.

22 THE COURT: Then what I would  
23 anticipate is simultaneously filing those  
24 and then having an opportunity -- and that